

REMARKS

By this amendment, claims 13-18 have been cancelled, claim 12 has been amended, and claims 20-23 have been added. Thus, claims 12 and 19-23 are now active in the application. Reexamination and reconsideration of the application are respectfully requested.

On pages 2 and 3 of the Office Action, claims 12, 13 and 19 were rejected under 35 U.S.C. 102(b) as being anticipated by Fischer et al. (U.S. 6,581,679); and claims 14-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer et al. These rejections are respectfully traversed in part, and are believed clearly inapplicable to the claims as now presented, for the following reasons.

Independent claim 12 has now been amended to specify that the plurality of tube insertion holes 17 includes first tube insertion holes opening into the first chamber 21, and second tube insertion holes opening into the second chamber 22 (as previously recited in claim 13); that a wall thickness of the partition portion 20 is equal to or greater than 0.4mm and equal to or less than 1.65mm (as previously recited in claim 14); and that a wall thickness of the perimeter portion 18 is greater than or equal to the wall thickness of the partition portion 20.

The tank 10 of the Fischer et al. patent cited by the Examiner is formed by bending the cover sections 20, 22 downwardly toward the base section 12 to form a partition wall made up of intermediate-wall sections 24, 26 that bear against one another and are in contact with the base section 12 (see, for example, column 4, lines 45-57). As such, the partition wall is necessarily twice the thickness of the perimeter wall. Thus, it cannot be said that the Fischer et al. partition wall 24, 26 has a wall thickness that is less than or equal to the thickness of the perimeter portion as required by claim 12. Further, a person having ordinary skill in the art would not have been motivated to modify Fischer et al. in this manner, because doing so would frustrate the object of the Fischer et al. invention of achieving the simple and inexpensive design of a heat exchanger (column 1, lines 32 and 33). Further, there is no teaching or suggestion in the Fischer et al. patent of making the thickness of the partition portion less than or equal to the thickness of the perimeter portion.

Independent claim 20 is similar to claim 12, except that instead of requiring that the wall thickness of the perimeter portion is greater than or equal to the wall thickness of the partition portion, specifies that the partition portion is formed as an integral, unitary single-piece with the perimeter portion 18. Again, the Fischer et al. patent discloses the use of two separate cover sections 20, 22 bent downwardly to meet the base section 12 and, accordingly, does not meet the claim 20 requirement that the partition portion is an integral, unitary, single-piece with the perimeter portion.

Independent claim 22 is also similar to independent claim 12, except that instead of requiring that a wall thickness of the perimeter portion is greater than or equal to the wall thickness of the partition portion, specifies that the wall thickness of the partition portion 20 is less than twice a wall thickness of the perimeter portion 18. This feature of claim 22 is supported in the original disclosure by the fact that the original independent claim 1 did not specify the relative thicknesses of the partition portion 20 and perimeter portion 18 and thus encompassed all relative thicknesses thereof. Further, this limitation of claim 22 encompasses the example presented at page 9, lines 10-20 of the original specification which specifies that the wall thickness T1 of the partition portion is 1.0mm, and the wall thicknesses T2, T3 of the perimeter portion 18 are 1.5mm and 1.0mm, respectively. Thus, the exemplary embodiment with T1 being 1.0mm, T2 being 1.5mm and T3 being 1.0mm is such that the partition portion thickness T1 is less than twice the wall thickness T2 of the perimeter portion.

Also, this feature of claim 22 clearly distinguishes over the Fischer et al. arrangement, wherein the wall thickness of the partition portion constituted by the sections 24 and 26 is twice the thickness of the perimeter portion.

Thus, because of the above-discussed clear distinctions between the Fischer et al. patent and the present invention as recited in each of claims 12, 20 and 22, it is believed apparent that these claims are not anticipated by the Fischer et al. patent. Furthermore, there is no teaching or suggestion in the references which would have motivated a person of ordinary skill in the art to modify the Fischer et al. arrangement or to make any combination of the references of record in

such a manner as to result in or otherwise render obvious the present invention as recited in claims 12, 20 and 22. Therefore, it is respectfully submitted that claims 12, 20 and 22, as well as the claims depending therefrom, are clearly allowable over the prior art of record.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is earnestly solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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October 5, 2006